

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Missouri

FILED

AUG 10 2018

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

In the Matter of the Search of

INFORMATION ASSOCIATED WITH FACEBOOK user ID  
"SUG BIGFELLA," and the URL  
<https://www.facebook.com/av.walnutpark>  
THAT IS STORED AT PREMISES CONTROLLED BY  
FACEBOOK, INC. See Attachment A.

Case No. 4:18 MJ 1378 JMB

## APPLICATION FOR A SEARCH WARRANT

I, Special Agent Casey Cook, a federal law enforcement officer or an attorney for the government  
request a search warrant and state under penalty of perjury that I have reason to believe that on the following property:  
FACEBOOK User ID "SUG BIGFELLA," and the URL <https://www.facebook.com/av.walnutpark>

located in the NORTHERN District of CALIFORNIA, there is now concealed

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

## Code Section

Title 18 USC 924(c) and 922(g)

Title 21, USC 841 and 846

## Offense Description

possession of a firearm in furtherance of a drug trafficking crime; possession of a firearm by a convicted felon.

Possession with Intent to Distribute/Distribution of Controlled Substances and/or Conspiracy


The application is based on these facts:

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED HEREIN BY REFERENCE

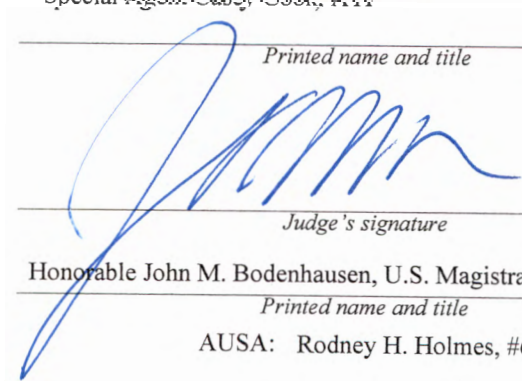
- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested  
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: August 10, 2018City and state: St. Louis, MO

  
Applicant's signature  
Special Agent Casey Cook, ATF

Printed name and title

  
Judge's signature

Honorable John M. Bodenhausen, U.S. Magistrate Judge

Printed name and title

AUSA: Rodney H. Holmes, #6244551IL

**FILED**

**AUG 10 2018**

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH  
FACEBOOK USER ID "SUG BIGFELLA"  
THAT IS STORED AT PREMISES  
CONTROLLED BY FACEBOOK

Case No. 4:18 MJ 1378 JMB

**Filed Under Seal**

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Casey Cook, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID "SUG BIGFELLA," and the URL <https://www.facebook.com/av.walnutpark>.

2. I am and have been a Special Agent (SA) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since September 2014. I am currently assigned to the Kansas City Field Division, Saint Louis Field Office. I am responsible for, among other things, investigating violations of Federal firearms and drug-trafficking laws.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and law enforcement and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this Affidavit, there is probable cause to believe that violations of Title 21, United States Code, Sections 841 and 846 (Possession with Intent to Distribute/Distribution of Controlled Substances and/or Conspiracy), and Title 18, United States Code, Sections 922(g) and 924(c) (Felon in Possession of a Firearm and/or Possession of a Firearm in Furtherance of a Drug-Trafficking Crime) by Avion KINCADE (d/o/b 12/15/1990) and others known and unknown. There is also probable cause to search the information described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B.

#### **PROBABLE CAUSE**

5. ATF is conducting an investigation into illegal firearms and narcotics possession by KINCADE.

6. KINCADE is on the social media site Facebook and maintains an account in the name "SUG BIGFELLA." KINCADE'S public Facebook account shows that he uploaded his profile picture on September 27, 2017. In the picture, KINCADE appears to be in possession of firearm. The public profile picture is attached below.

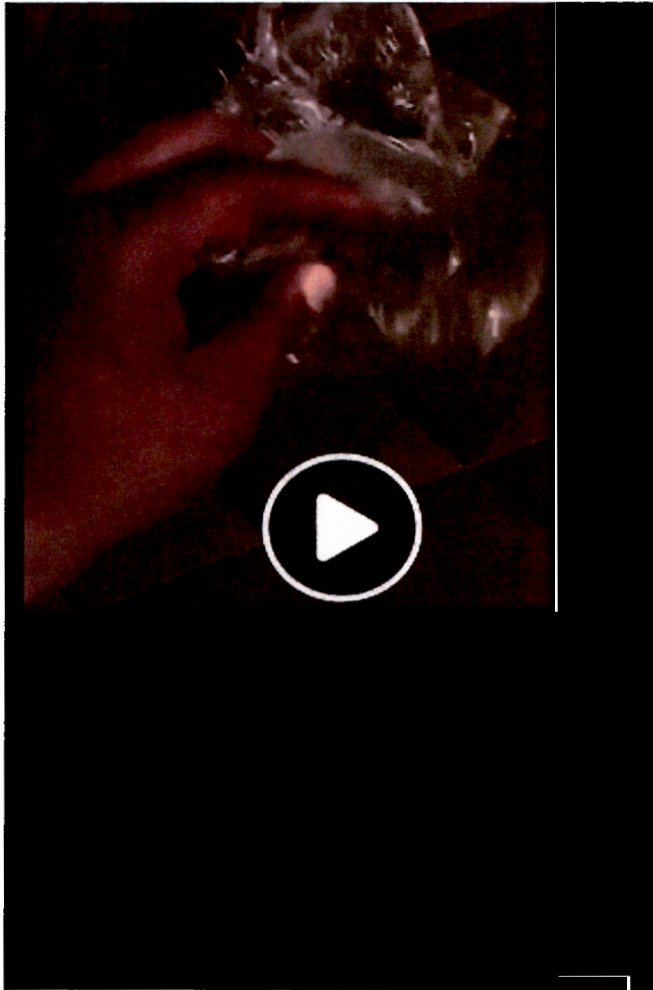


7. A computer inquiry of Missouri Department of Revenue Missouri Driver's License photos revealed the following picture of KINCADE, see below.



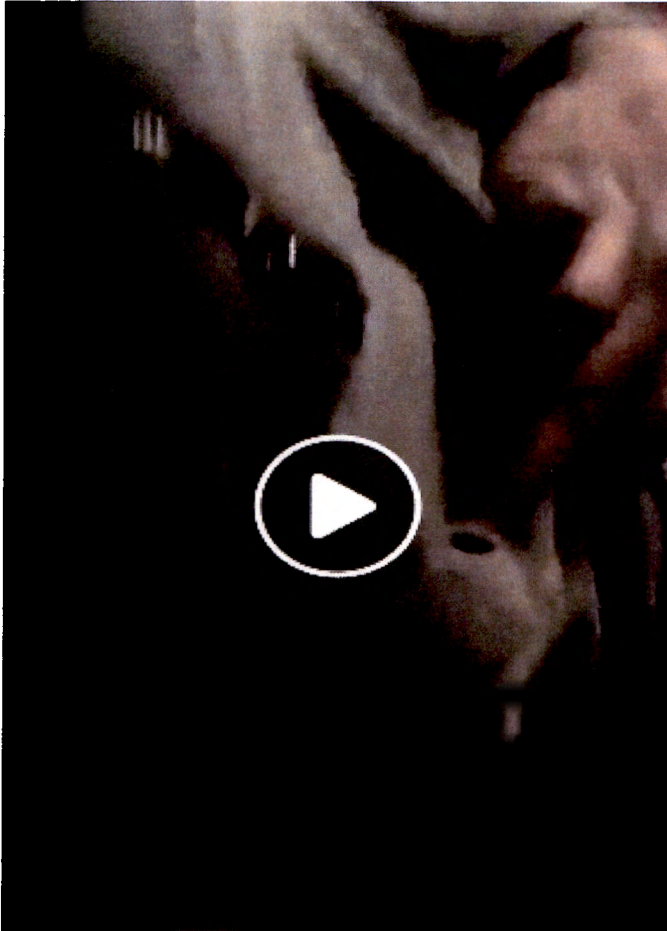
8. A review of KINCADE'S criminal history revealed in 2009, KINCADE received a felony conviction for unlawful use of a weapon.

9. Review of the Facebook public profile "SUG BIGFELLA" revealed several videos posted in April 2018 and May 2018 by KINCADE. In numerous videos, KINCADE references narcotics possession and use while in the presence of several associates. KINCADE can also be observed smoking what appears to be a marijuana cigarette. In one of the videos, KINCADE is in possession of a green leafy substance suspected of being marijuana and makes a statement regarding the suspected marijuana, see below screen shot taken from the video.





10. In the same video, KINCADE also makes the statement, “You know we got it on us.” The camera then pans down to KINCADE’S waistline where there is an apparent bulge, see below screen shot taken from the video.



11. After the camera pans down, KINCADE pans the camera back up to his face and makes the statement, “I ain’t gonna even show live that, you know all them feds on this mo, know what I mean, we’ll show that little weed.” It is suspected that KINCADE was referencing a firearm in his possession due to the statements he makes and the bulge in the waistband of his pants.

12. Further review of KINCADE’S public Facebook profile revealed a video posted on May 18, 2018. The video displayed KINCADE and an associate shooting firearms at

Sharpshooter Indoor Shooting Range located at 8135 Gravois Road, Saint Louis, Missouri.

Both KINCADE and his associate can be observed loading and shooting three (3) firearms while at the range, see below screen shot taken from the video of KINCADE shooting a firearm.



13. On May 21, 2018, law enforcement responded to Sharpshooter Indoor Shooting Range and reviewed the surveillance footage from Sharpshooter Indoor Shooting Range recorded on May 18, 2018, showing KINCADE and his associate arriving at the range with a bag containing firearms. KINCADE and his associate then both shoot the firearms.

14. On June 21, 2018, KINCADE was indicted by a federal grand jury in the Eastern District of Missouri for violations of 18 United States Code Section 922(g)(1), being a convicted felon in possession of a firearm.

15. On June 28, 2018, your affiant reviewed KINCADE'S public Facebook profile. The review revealed that at approximately 1055 hours, the following statement was posted to KINCADE'S account: "Mfc den stab my ppl up damn Lucille Houses Note" (meaning an associate of KINCADE'S was stabbed). Thirty two (32) comments were then posted to the aforementioned Facebook post by various users. The following statements, among others, were then posted in the comments section by KINCADE: "I would hav popped his ass" and "Fuck all da I'm on his bumper for da should hav put sum pop to his ass Loc". It is suspected based on the previous comments that KINCADE wanted to conduct an act of violence on the individual who injured his associate. The Facebook profile StandupGang Woe then posted: "Man take this down cuh U OC". The entire post was then deleted/removed from Sug BigFella's Facebook profile shortly after the comment by StandupGang Woe. Law enforcement was able to capture screen shots of the entire post prior to it being deleted.

16. On June 28, 2018, at approximately 1400 hours, KINCADE was arrested by ATF agents in the vicinity of Cardinal Avenue and Delmar Boulevard in the city of St. Louis where he was taken into custody without incident. Law enforcement attempted to interview KINCADE however, he did not wish to speak with investigators. KINCADE was informed he was being arrested for his active federal arrest warrant for being a convicted felon in possession of a firearm to which he stated, "I don't even like guns." This statement was audio recorded.

17. Based upon your affiants training and experience, I believe KINCADE to be an illegal user of controlled substances and in possession of firearms. His possession and use of narcotics and firearms is a violation of state and federal law. Further, because of his previous felony conviction and controlled substance use, he is prohibited from possessing a firearm



pursuant to 922(g). Despite this fact, the investigation has confirmed KINCADE'S consistent narcotics possession and use, possession and use of firearms, and threatened acts of violence.

### **FACEBOOK**

18. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

19. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

20. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

21. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

22. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

23. Facebook has a Photos application, where users can upload an unlimited number of albums and photos. Another feature of the Photos application is the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos associated with a user’s account will include all photos uploaded by that

user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

24. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

25. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

26. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

27. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

28. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through

the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

29. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

30. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

31. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

32. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

33. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings;

rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.

34. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

35. Social networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications.

36. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.



**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

37. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**CONCLUSION**

38. Based on the forgoing, I request that the Court issue the proposed search warrant. I believe there is probable cause to conclude that, in the Facebook username “SUG BIGFELLA,” and the URL <https://www.facebook.com/av.walnutpark>, there will be located evidence of a crime, contraband, the fruit or instrumentalities of a crime, of one or more violations of Title 21, United States Code, Sections 841 and 841, as well as evidence relative to violations of Title 18, United States Code, Sections 922(g) and 924(c) by KINCADE and others known and unknown.

39. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

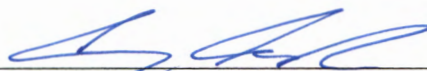
40. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

**REQUEST FOR SEALING**

41. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These

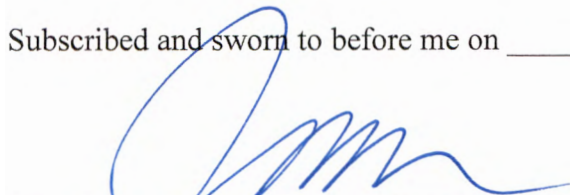
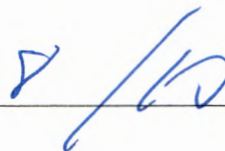
documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



Casey Cook  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Subscribed and sworn to before me on 8/10, 2018



UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**Property to Be Searched**

1. This warrant applies to information associated with the Facebook username “SUG BIGFELLA,” and the URL <https://www.facebook.com/av.walnutpark>, that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments;

gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.



## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 21, United States Code, Sections 841 and 846 (Possession with Intent to Distribute/Distribution of Controlled Substances and/or Conspiracy), and Title 18, United States Code, Sections 922(g)(1) and 924(c) (Felon in Possession of a Firearm and/or Possession of a Firearm in Furtherance of a Drug-Trafficking Crime), involving Avion KINCADE, since September 27, 2017, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) The illegal use or sale of controlled substances; the illegal acquisition, possession, sale, transfer or use of firearms, and acts of violence.
- (b) Records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS  
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, \_\_\_\_\_, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is \_\_\_\_\_. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of \_\_\_\_\_ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

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Date

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Signature